

**Remarks:**

Reconsideration of the application respectfully requested.

Claims 16 - 19 and 21 - 28 are presently pending in the application. Claims 1 - 13, 15 and 20 were previously canceled. Claim 14 has been canceled, herein. Claims 16, 22 and 24 - 27 have been amended. New claim 28 has been added.

In item 2 of the Office Action, claims 14 - 27 were rejected under 35 U.S.C. § 103(a) as allegedly being obvious over H. Schulzrinne, "Request for comments: 2833", May 2000 ("SCHULZRINNE") in view of U. S. Patent No. 7,310,675 to Salesky et al ("SALESKY").

Applicants respectfully traverse the above rejections, as applied to the amended claims.

More particularly, Applicants' claims have been amended to more clearly recite a system or method that includes at least two speech dialogue systems, one having no special hardware devices for the support of in-band signaling and one with special hardware for the support of in-band signaling. Each of Applicants' claims requires a negotiation between a first packet network terminal and the speech dialogue system. Further, each claim requires, among other things, a determination to be made about whether the first packet

network terminal will communicate with the first speech dialogue system having no special hardware devices for the support of in-band signaling, or with the second speech dialogue system with special hardware for the support of in-band signaling. Applicants' particularly claimed methods of claims 22 and 28 further require, among other things, that the first packet network terminal communicate, first, with the first speech dialogue system having no special hardware devices for the support of in-band signaling; and then, if the first packet network terminal does not permit out-of-band signaling for codecs supported by both the first packet network terminal and the first speech dialogue system, to communicate with the second speech dialogue system with special hardware for the support of in-band signaling.

Thus, all of Applicants' claims require, among other things, that a first packet network terminal communicate, dependent on the codecs offered at the service requirement, with one of either: 1) a speech dialogue system having no special hardware devices for the support of in-band signaling for communicating with packet network terminals that permit out-of-band signaling and/or signaling according to RFC 2833; or 2) a second speech dialogue system with special hardware for the support of in-band signaling.

Thus, Applicants' claimed invention, by definition, can and does, provide signaling between a packet network terminal and a speech dialogue system, via both in-band and out-of-band signaling, without having to provide every speech dialogue system with special hardware supporting in-band signaling.

To put it quite simply, Applicants' invention favors communications using out-of-band signaling and/or signaling according to RFC 2833 when it can be determined that that type of signaling is supported by the packet network terminal, but still permits communications that directly use in-band signaling when packet network terminal does not support out-of-band signaling and/or signaling according to RFC 2833.

This is certainly not the case with the SCHULZRINNE reference, or any permissible combination of the SCHULZRINNE reference with the SALESKY reference.

More particularly, as acknowledged on page 2 of the Office Action, the SCHULZRINNE system has to remove the in-band signaling from the bit stream for out-of band processing.

As such, the SCHULZRINNE reference certainly does not teach or suggest, among other limitations of Applicants' claims: designating a speech dialogue system having no special

hardware devices for the support of in-band signaling for communicating with packet network terminals that permit out-of-band signaling and/or signaling according to RFC 2833; and, alternately, designating a speech dialogue system with special hardware for the support of in-band signaling if other signaling is not determined to be available to the packet network terminal.

In fact, the SCHULZRINNE reference teaches away from Applicants' particularly claimed invention by specifically teaching that the gateway needs to remove the in-band signaling from the bit stream. In particular, page 2 of the SCHULZRINNE reference states, in part:

In the "RTP trunk" application, RTP is used to replace a normal circuit-switched trunk between two nodes. This is particularly of interest in a telephone network that is still mostly circuit-switched. In this case, each end of the RTP trunk encodes audio channels into the appropriate encoding, such as G.723.1 or G. 729. **However, this encoding process destroys in-band signaling information** which is carried using the least-significant bit ("robbed bit signaling") and may also interfere with in-band signaling tones, such as the MF digit tones. In addition, tone properties such as the phase reversals in the ANSam tone, will not survive speech coding. **Thus the gateway needs to remove the in-band signaling information from the bit stream.** It can now either carry it out-of-band in a signaling transport mechanism yet to be defined, or it can use the mechanism described in this memorandum. [emphasis added by Applicants]

Thus, the teachings of SCHULZRINNE do not permit communication between a packet network terminal and a speech dialogue

system, directly via in-band signaling, as SCHULZRINNE specifically teaches that the in-band signaling is to be removed by the gateway and carried by another some other mechanism. This is diametrically opposed to Applicants' claimed invention, which leaves the in-band signaling in-band, but provides the communication to a speech dialogue system that has special hardware for processing in-band signaling, rather than to a system than does not.

Applicants' particularly claimed invention is simply not taught or suggested by the SCHULZERINNE reference. Nor can the teachings of the SCHULZERINNE reference be modified by the teachings of SALESKY, or any other reference, to derive Applicants' particularly claimed invention.

M.P.E.P. § 2143.01(VI) states, in part:

**VI. THE PROPOSED MODIFICATION CANNOT CHANGE THE PRINCIPLE OF OPERATION OF A REFERENCE**

If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious.

Thus, M.P.E.P. § 2143.01(VI) states that a proposed modification cannot change the principle of operation of a reference. In order to read on Applicants' presently claimed invention, the principle of operation of the SCHULZERINNE

reference of removing the in-band signaling for transport by another method must be changed to keep the in-band signaling in-band, and to provide it to a device that supports in-band signaling. However, such a proposed modification impermissibly changes the very principle of operation of the **SCHULZERINNE** reference, which requires removal of the in-band signaling from the bit stream. Such a modification is not permitted under under M.P.E.P. § 2143.01(VI), to render obvious Applicants' claims.

Thus, under M.P.E.P. § 2143.01(VI), Applicant's claims are not obvious over the **SCHULZERINNE** alone or in any permissible combination with the **SALESKY** reference.

Further, M.P.E.P. § 2143.01(V) states, in part:

V. THE PROPOSED MODIFICATION CANNOT RENDER THE  
PRIOR ART UNSATISFACTORY FOR ITS INTENDED PURPOSE

If proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification.

Thus, M.P.E.P. § 2143.01(V) states that if a proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. The **SCHULZERINNE** reference specifically teaches

that the in-band signaling is removed from the bit stream because the encoding process destroys in-band signaling information. Thus, any modification to the teachings of the **SCHULZERINNE** reference that leaves the in-band signaling in the bit stream, as is done in Applicants' invention, would impermissibly render the **SCHULZERINNE** reference unsatisfactory for its intended purpose, as such signaling would be destroyed, i.e., lost. Thus, under M.P.E.P. § 2143.01(V), Applicant's claims are not obvious over the **SCHULZERINNE** reference, alone or in any permissible combination with the **SALESKY** reference.

Further, page 4 of the Office Action pointed to col. 4 of the **SALESKY** reference, lines 49 -53, as allegedly disclosing specifying a speech dialogue system supporting in-band signaling as a packet network terminal instead of the speech dialogue system having no special hardware for the support of in-band signaling, and determining a coding method with in-band signaling for the transmission of the signaling information. Applicants respectfully disagree.

Col. 4 of **SALESKY**, lines 34 - 54, state:

Although a simple embodiment uses a single computer as the communications server, a more complex embodiment connects several computers in performing the server functions. The server-to-server interconnections can optimize routing by using information provided in the

data stream or measured on the network, optimize wide-area network (WAN) usage by connecting clients to nearby servers, provide backup reliability by migrating clients, provide scalability of conference size through splitting the data stream, improve performance and robustness through redundant routing, and distribute functions of the system's transport pipeline (such as compression, decompression, and update scheduling) over several server and client computers. These services can be provided automatically depending on resources of the computers and network (for example, measured net speed and central processing unit, or "CPU," load) and facilities available (for example, announced client characteristics, such as CPU speed, compression and/or decompression hardware, or display parameters). They can also be configured and constrained by the server computer administrators or others with appropriate privileges.

As can be seen from the foregoing, the cited portion of the **SALESKY** reference does not teach or suggest, among other limitations of Applicants' claims, that, in the case that a codec with out-of-band signaling or signaling according to RFC 2833 cannot be determined for the packet network terminal, a speech dialogue system supporting in-band signaling is specified as a packet network terminal instead of the speech dialogue system having no special hardware for the support of in-band signaling, and a coding method with in-band signaling is determined for the transmission of the signaling information, as required by Applicants' former claim 14. In fact, even if it were somehow permissible, arguendo, to combine the **SCHULZERINNE** reference with the **SALESKY** reference in the manner suggested in the Office Action, as shown above, the combination of the **SCHULZERINNE** and **SALESKY** references



cited in the Office Action still would not teach or suggest all limitations of Applicants' claims. The **SALESKY** reference does not cure the deficiencies of the **SCHULZERINNE** reference with regard to Applicants' amended claims.

For the foregoing reasons, among others, Applicants' claims are believed to be patentable over any combination of the **SCHULZERINNE** and **SALESKY** references cited in the Office Action.

It is accordingly believed that none of the references, whether taken alone or in any combination, teach or suggest the features of claims 16, 22 and 28. Claims 16, 22 and 28 are, therefore, believed to be patentable over the art. The dependent claims are believed to be patentable as well because they all are ultimately dependent on claims 16, 22 or 28.

In view of the foregoing, reconsideration and allowance of claims 16 - 19 and 21 - 28 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate receiving a telephone call so that, if possible, patentable language can be worked out. In the alternative, the entry of the amendment is requested, as it is believed to place the application in

better condition for appeal, without requiring extension of the field of search.

If an extension of time for this paper is required, petition for extension is herewith made.

Please charge any fees that might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner Greenberg Stemer LLP, No. 12-1099.

Respectfully submitted,

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